

**PUBLIC MEETING
JANUARY 12, 2012
MINUTES**

The Lewis and Clark County Commissioners Public Meeting was held on Thursday, January 12, 2012, at 9 a.m. in Commission Chambers Room 330 of the City-County Building, 316 North Park Avenue, Helena, Montana.

Chairman Andy Hunthausen called the meeting to order. Commissioner Derek Brown was present. Commissioner Murray was in Bozeman attending an Area IV-Council on Aging meeting. Others attending all or part of the meeting included Eric Bryson, Heidi Heiser, Art Pembroke, Judy Hart, Brandon Foley, Carole Byrnes, and Rita Cortright, Recording Secretary.

Pledge of Allegiance. Everyone recited the Pledge.

Consent Action Items. (Eric Bryson)

- a. Professional Services Contract Between Lewis & Clark County and Ries & Associates, P.C. for Measurement of Well Head Elevations at Old Jail Facility in Lincoln, Montana, by Jan. 25, 2011, in An Amount Not to Exceed \$800.00. (Kathy Moore)
- b. Resolution 2012-7 Declaring County Property Surplus Property (Amy Reeves)
- c. Independent Contractor Contract Between Lewis & Clark County and Morrison-Maierle Systems Corp. for Database Support Services in An Amount Not to Exceed \$15,000. Completion Date: June 30, 2012. (Art Pembroke)
- d. Independent Contractor Contract Between Lewis & Clark County and Information Technology Core for Network and Related Support Services in An Amount Not to Exceed \$25,000. Completion Date: June 30, 2012. (Art Pembroke)

Eric Bryson reported on the consent action items and recommended approval.

Commissioner Brown asked for a better understanding of consent item 'a.' Mr. Bryson will give an update Tuesday on the public record about why we are spending \$800 and specifically what elevation we are measuring in accordance with our mitigation plan.

No public comments were received.

Commissioner Brown moved approval of consent action items and authorized the Chair to sign. Commissioner Hunthausen seconded the motion. The motion carried 2-0.

Cooney Home – Authorization to Negotiate Terms of Sale to Apple Rehab West. (Eric Bryson)

Eric Bryson talked about the history of the Cooney Home and the due diligence process up until this point in time. Expenses have been outpacing revenues due to a declining census. The base target census number for creation of the budget for the last several

years at Cooney have not been met. As a result, we have closed each financial year for the last three years at a deficit. The 2010 Larson/Allen report indicated costs for services were higher than regional, state and national averages; specifically for laundry, maintenance, nursing, insurance, Workers' Comp. and benefits package for our County employees that operate the Cooney Home.

St. Peter's evaluation indicated that we had a constant and steady census decline; we had major facility upgrades that needed improvement; and that we needed to have money set aside for investments into the facility which we currently do not have.

In June 2010, accounting firm was hired to do a market valuation. The report indicated that it had a worth of somewhere between \$1.6 and \$1.65 million.

The county moved forward with an RFP process to allow a bidder to propose any option for a different way of operating the Cooney Home. Several responses were received, both offers to lease, offers to purchase.

After the RFP process, an appraisal service was hired to do a full appraisal, both as a business and as a cold asset. The appraisal came back in and set a benchmark for a potential sale at somewhere between \$2.2 and \$2.5 million.

After review of the RFPs, staff recommended that the Commission proceed with the potential sale to Apple Rehab West. Apple was a good business model with some longevity; a good track record of operating high-quality long-term care facilities and a proposal which included a 3-year lease with a purchase at the end of it that was within the appraised value for the facility.

The action today is a request to authorize Mr. Bryson to negotiate the terms of the sale to Apple Rehab West. Brandon Foley, representative of Apple was present.

Commissioner Hunthausen noted for the record that Commissioner Murray supports the authorization to allow Mr. Bryson to negotiate the terms of the sale with Apple Rehab. Commissioners Hunthausen and Brown made comments in support of negotiating the sale.

Brandon Foley, President of Apple Rehab West, stated Apple Rehab West is a newly-formed Montana corporation and a third-generation in long-term care. The Cooney Home presents financial opportunity for Apple and is a good match for the Home.

Heidi Heiser, Cooney Home Assistant Administrator, supported the decision to move forward and negotiate the sale.

No other public comments were received.

Commissioner Brown moved to authorize Mr. Bryson to negotiate the terms of sale to Apple Rehab for the Cooney Home. Commissioner Hunthausen seconded the motion.

The motion carried 2-0.

Board Appointments. (Carole Byrnes)

Fair Board – Jim Erickson has completed his first term. He would like to serve a second term which would expire December 31, 2014. There were no other applications for the position.

No public comment was received.

Commissioner Brown moved to appoint James Erickson to a second term on the Fair Board. Commissioner Hunthausen seconded the motion. The motion carried 2-0.

STOP DUI Task Force – Mary Cochenour from the County Attorney's Office has stepped down and Deputy County Attorney Jeff Sealey submitted an application to fill her position. The two-year term would expire June 30, 2014. There were no other applications for the position.

No public comment was received.

Commissioner Brown moved to appoint Jeff Sealey to fill the vacancy on the DUI Task Force. Commissioner Hunthausen seconded the motion. The motion carried 2-0.

Lincoln Volunteer Fire Department – Aaron Birkholz has submitted a petition for appointment to fill a vacancy of Jay Terman. The appointment would be until the May 2012 election.

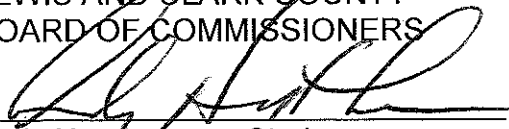
No public comment was received.

Commissioner Brown moved to approve the Petition for Appointment for Aaron Birkholz to the Lincoln Volunteer Fire Department. Commissioner Hunthausen seconded the motion. The motion carried 2-0.

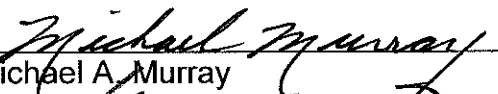
Public comment on any public matter within the jurisdiction of the Commission that is not on the agenda above. None.

There was no other business, the meeting adjourned at 9:21 a.m.


LEWIS AND CLARK COUNTY
BOARD OF COMMISSIONERS



Andy Hunthausen, Chairman




Michael A. Murray



Derek Brown

ATTEST:



Paulette DeHart, Clerk of the Board